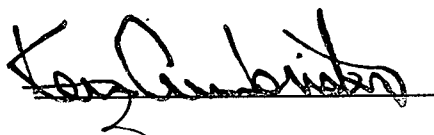


By:



S.B. No. 1379

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a municipality to enforce water conservation and drought ordinances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 402, Local Government Code, is amended by adding Section 402.106 to read as follows:

Sec. 402.106. ENFORCEMENT OF WATER CONSERVATION AND DROUGHT ORDINANCES. (a) A municipality with a population of more than 1,000 may impose a fine for the violation of a water conservation or drought ordinance by including the amount of the fine in the monthly water bill issued by the municipality if a schedule of fines is clearly displayed on the monthly bill.

(b) A customer may appeal a fine imposed as provided by this section to municipal court.

SECTION 2. This Act takes effect September 1, 2003.

1-1 By: Armbrister S.B. No. 1379
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 24, 2003, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 24, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a municipality to enforce water
1-9 conservation and drought ordinances.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter F, Chapter 402, Local Government
1-12 Code, is amended by adding Section 402.106 to read as follows:

1-13 Sec. 402.106. ENFORCEMENT OF WATER CONSERVATION AND DROUGHT
1-14 ORDINANCES. (a) A municipality with a population of more than
1-15 1,000 may impose a fine for the violation of a water conservation or
1-16 drought ordinance by including the amount of the fine in the monthly
1-17 water bill issued by the municipality if a schedule of fines is
1-18 clearly displayed on the monthly bill.

1-19 (b) A customer may appeal a fine imposed as provided by this
1-20 section to municipal court.

1-21 SECTION 2. This Act takes effect September 1, 2003.

1-22 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 1379
By Armbrister
(Author/Senate Sponsor)
4/24/03
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 4/22/03, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Jackson, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Barrientos	<input checked="" type="checkbox"/>			
Senator Duncan	<input checked="" type="checkbox"/>			
Senator Estes	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Hinojosa			<input checked="" type="checkbox"/>	
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Lucio	<input checked="" type="checkbox"/>			
Senator Shapiro			<input checked="" type="checkbox"/>	
Senator Staples	<input checked="" type="checkbox"/>			
TOTAL VOTES	9	0	2	0

COMMITTEE ACTION

(S260) Considered in public hearing
(S270) Testimony taken

Kelly C. Gilbert
COMMITTEE CLERK

[Signature]
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

WITNESS LIST

SB 1379

SENATE COMMITTEE REPORT

Natural Resources

April 22, 2003 - 1:00PM

FOR: Archuleta, Ed General Manager (El Paso Water Utilities), El Paso, TX

Registering, but not testifying:

FOR: Anderson, Sparky Project Director (Clean Water Action), Austin, TX

Baker, Carole (Self), Friendswood, TX

Butler, Susan Director of Water Resources (San Antonio Water System), San Antonio, TX

Hadden, Karen (SEED Coalition), Austin, TX

Smith, Tom "Smitty" (Public Citizen), Austin, TX

BILL ANALYSIS

Senate Research Center
78R7497 MI-D

S.B. 1379
By: Armbrister
Natural Resources
4/5/2003
As Filed

DIGEST AND PURPOSE

Currently, water customers routinely violate municipal water conservation and drought restrictions. The cost and effort involved in citation and municipal court action discourages municipal enforcement. Administrative fines assessed on a customer's water bill would allow for effective and efficient enforcement, yet still allow an appeal to court. This type of monetary penalty would encourage water conservation. As proposed, S.B. 1379 authorizes municipalities to assess administrative fines on customer water bills for violations of water conservation and drought restrictions and provides for an appeal to municipal court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 402F, Local Government Code, by adding Section 402.106, as follows:

Sec. 402.106. ENFORCEMENT OF WATER CONSERVATION AND DROUGHT ORDINANCES. (a) Authorizes a municipality with a population of more than 1,000 to impose a fine for the violation of a water conservation or drought ordinance by including the amount of the fine in the monthly water bill issued by the municipality if a schedule of fines is clearly displayed on the monthly bill.

(b) Authorizes a customer to appeal a fine imposed as provided by this section to municipal court.

SECTION 2. Effective date: September 1, 2003.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 17, 2003

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1379 by Armbrister (Relating to the authority of a municipality to enforce water conservation and drought ordinances.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would authorize a municipality with a population of more than 1,000 to impose a fine for violations of water conservation or drought ordinances by including the amount of the fine in the monthly water bill issued by the municipality if a schedule of fines is clearly displayed on the monthly bill. The bill would take effect September 1, 2003.

If a municipality lists the schedule of fines on the billing and has programming set up for including additional information on the bill, such as imposition of a fine, the fiscal impact is expected to be insignificant, although a savings in the collection process of fines for these types of violations would occur and likely help increase the revenue collected.

If a municipality chooses to impose fines via the monthly water bill, but does not already have the programming in place to do so, there would be initial programming costs; thereafter, the fiscal impact would be as described above.

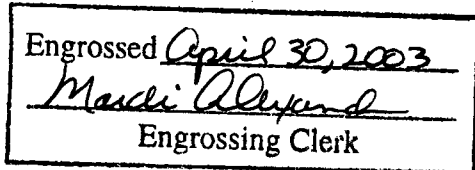
Local Government Impact

It is anticipated a municipality would choose to implement the provisions of the bill only if it is determined to be beneficial to do so.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JK, CL, DLBa



By: Armbrister

S.B. No. 1379

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LEGISLATIVE BUDGET BOARD
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Source Agencies:

LBB Staff: JK, CL, DLBa

By Ken Cumbister

AN ACT:

relating to the authority of a municipality to enforce water conservation and drought ordinances.

MAR 13 2000

MAR 19 2003

Read and referred to Committee on **NATURAL RESOURCES**

APR 24 2003

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 30 2003

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent
~~_____~~ years, ~~_____~~ days

APR 30 2003

Read second time, _____, and ordered engrossed by:

~~unanimous consent~~
a viva voce vote
~~yeas,~~ nays

APR 30 2003

Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.

APR 30 2003

Read third time, _____, and passed by:

A viva voce vote

_____ yeas, _____ nays

Latoy Spaw
SECRETARY OF THE SENATE

OTHER ACTION:

April 30, 2023 Engrossed

April 30, 2003 Sent to House

Engrossing Clerk

Mardi Alford

APR 30 2003

Received from the Senate

MAY 01 2003

Read first time and referred to Committee on **Urban Affairs**

Reported ____favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Returned to Senate.

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ years, _____ days.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays